

REMARKS

Claims 1-19, 26-30, and 35-47 were pending in the present application. Claim 46 has been amended herein as suggested by the Examiner. No new matter has been added. Upon entry of the present amendment, claims 1-19, 26-30, and 35-47 will remain pending.

As a preliminary matter, Applicants thank the Examiner for indicating that claims 1-19, 26-30, 35-45 and 47 are allowable.

I. The Claimed Invention Is Sufficiently Enabled

Claim 46 is rejected under 35 U.S.C. §112, first paragraph as allegedly failing to provide an enabling disclosure. The Office mistakenly asserts that it would require undue experimentation for one skilled in the art to practice the claimed invention in regard to troglitazone and Ragaglitazar. In particular, the Office asserts that “Ragaglitazar and troglitazone cannot be deemed enabled. Troglitazone was years ago pulled off all markets, and Ragaglitazar had its testing abruptly halted some time back because of significant problems, never to be resumed” (see, Office Action at page 2). Applicants remind the Office that the standard for enablement within the USPTO is quite different than the standard(s) for approval of a drug by the FDA. Nevertheless, solely to advance prosecution of the present application, Applicants have amended claim 46 to delete “troglitazone” and “NN622/Ragaglitazar.” Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph be withdrawn.

II. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Office is invited to contact Applicants' undersigned representative at (610) 640-7859 if there are any questions regarding Applicants' claimed invention.

The Commissioner is hereby authorized to debit any underpayment of fee due or credit any overpayment to Deposit Account No. 50-0436.

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